

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ORLANDO CORTES RIVERA,

Plaintiff

v.

FRANKLIN J. TENNIS, *et al.*,

Defendants

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CIVIL NO. 1:CV-09-0888

(Judge Rambo)

(Magistrate Judge Mannion)

ORDER

Before the court is a May 27, 2011 report of the magistrate judge to whom this matter was referred in which he recommends that the motion for summary judgment filed by the remaining defendant, Officer Wagner, be granted. No objections to the report and recommendation have been filed.¹

Upon consideration of the record before the court and the applicable law,
IT IS HEREBY ORDERED THAT:

1) The court adopts the report and recommendation of Magistrate Judge Mannion.

2) Defendant Wagner's motion for summary judgment (doc. 250) is
GRANTED.

3) The Clerk of Court shall enter judgment in favor of Defendant Wagner and against Plaintiff and close the file.

4) Any appeal from this order will be deemed frivolous and not taken in good faith.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: June 28, 2011.

¹Objections to the report and recommendation were due June 13, 2011.